

REMARKS

All claims have been amended to correct claim format errors and or clarify the claimed invention. The preambles of dependent claims 2-7 and 9-21 have been amended to change the term "A method" to "The method."

Claims 1, 2, 5, 7, 8 and 12-20 have been amended to more accurately describe the program that is down loaded to the customer's computer. Specifically, the term "core local assistant system" has been amended to read "local assistant program."

Other specific amendments and responses to the Examiner's rejections are described below for each of the claims.

Claims 1-3 and 5-21 were rejected by the Examiner under 35 U.S.C. 103(a) as being obvious in view of U.S. Patent No. 6,295,551 to Roberts.

Claim 1 has been amended to add the limitation of installing a client-side local assistant program on the customer's computer system that remains active until disabled or uninstalled. The local assistant program remains active until disabled or uninstalled. Because the local assistant program is installed, there is no need for applets. In contrast, Roberts discloses various downloaded plugin applets which are active only while the user computer is connected to a server whose pages contain the plugin applets. These plugin applets terminate at the end of the user computer to server connection.

The Roberts reference describes the operation of the preferred embodiment using a persistent applet. "The user applet 22 is loaded into a cache (not shown) of the user computer 12, preferably a local cache. It is persistent because once the user applet 22 is downloaded from the

server 20, the user applet 22 remains on the user computer 12 as long as the user computer 12 remains in the session with the server 20,” (Roberts, Col. 9, Lines 25-32.) Thus, Roberts discloses that the persistent applet turns off when the user computer ends its session with the server.

The applicant also respectfully disagrees with the Examiner’s argument that it would have been obvious at the time of the invention to modify Roberts by specifying the “functionality” as a “rule set.” The Examiner reasoned that this was possible because the same functionality of allowing a plug-in to execute a certain parameters is achieved. The applicant submits that there are fundamental distinctions between modifying a rule set used with a computer program and modifying a plug-in. In particular, a rule set can be downloaded while the local assistant program is running. In contrast, the plug in modules must each be downloaded and reinstalled in order to implement any updates. During the reinstallation process, the plug-in is not running on the user’s computer.

In order to emphasize this distinction between plug-ins and rulesets, the applicant has amended claim 1 to include the limitation that the local assistant program runs on the computer while the local assistant program is modified by adding new rules. Because plug-ins cannot be running while being modified, the plug-ins disclosed by Roberts do not disclose the local assistant program which can add new rules to the ruleset while running. For the reasons discussed above, the applicant submits that claim 1 is not obvious under 35 U.S.C. 103(a) in view of Roberts.

The applicant also respectfully disagrees with the Examiners arguments that claim 2 is invalid under 35 U.S.C. 103(a) as obvious in view of Roberts. There is a substantial difference

between the Roberts system and the local assistant program. In the Roberts system, the customer fills in a form and this updated information is sent to a shared data server. The Roberts system does not allow the customer's computer system to analyze information regarding the customer interaction locally. Because the Roberts system uses a server-side application, it can easily collect data regarding a user's interactions with the server, and the downloaded applets make this process even easier. In contrast, the local assistant program maintains and analyzes the customer interaction information locally on the customer computer rather than the server. The local assistant program, being a true client side application is able to collect data on the user's interactions across *all* servers. Claim 2 depends from amended claim 1 and for the same reasons discussed in claim 1, and the other reasons discussed above, the applicant submits that claim 2 is not invalid as obvious under 35 103(a) in view of Roberts.

Claims 3 and 4 depend from amended claim 1 and for the same reasons discussed in claim 1, are not obvious under 35 103(a) in view of Roberts.

With regards to claim 5, the applicant also respectfully disagrees with the Examiner argument that Roberts discloses that predefined events are scheduled and executed by the applet. Specifically, the referenced sections of Roberts disclose event handles which specify how to react to a user's interactions with the computer. These user actions are not periodic tasks which are scheduled events. Roberts also discloses that the server may transmit digital advertisements and service requests for information in response to the user's computer interactions. However, these responsive functions are not scheduled periodic tasks.

In contrast, claim 5 has been amended to include the limitation that the periodic tasks are performed by the customer's computer, whether or not the user is interacting with the computer.

Because Roberts only discloses a system that responds to the user's interactions with the computer, it does not disclose this limitation. Claim 5 depends from amended claim 1 and for the same reasons discussed in claim 1 as well as the arguments specifically directed towards claim 5, the applicant submits that claim 5 is not invalid as obvious under 35 U.S.C. 103(a) in view of Roberts.

Claim 6 depends from amended claim 5 and for the same reasons discussed in claim 5, claim 6 is not obvious in view of Roberts.

Claim 7 depends from amended claim 1 and for the same reasons discussed in claims 1, claim 7 is not obvious in view of Roberts.

Claim 8 has been amended to add the limitations of installing a client-side local assistant program on the customer's computer system that remains active until disabled or uninstalled and while being modified by adding new rules to the ruleset. Claim 8 has also been amended to add the limitation that the local assistant program runs on the customer's computer system while the operation of the local assistant program is modified by adding new rules to the ruleset. Both of these limitations were distinguished from Roberts in claim 1. For the same reasons discussed in claim 1, claim 8 is not obvious under 35 U.S.C. 103(a) in view of Roberts.

Claim 9 depends from amended claim 8 and for the same reasons discussed in claims 1 and 8, claim 9 is not obvious in view of Roberts.

Claims 10 and 11 includes the limitations that the server-side local assistant system includes a merchant database that stores information relating to assisted merchants and provides the local assistant program downloads. In particular, the merchant data base contains information about multiple merchants rather than information about services or products of a

single merchant. In contrast to these claim limitations, applicant respectfully submits that Roberts discloses downloading a host merchant's sales web pages stored on a server that does not also provide downloads of the local assistant program. Claims 10 and 11 also depend from claim 8. For the reasons discussed above and in claim 8, claims 10 and 11 are not obvious in view of Roberts.

Claim 12 depends from claim 8 and includes the same limitations as claim 2. For the reasons discussed above in claims 2 and 8, the applicant respectfully submits that claim 12 is not obvious under 35 U.S.C. 103(a) in view of Roberts.

Claim 13 depends from claim 8 and includes the same limitation as claim 5. For the same reasons discussed above in claims 5 and 8, the applicant submits that claim 13 is not obvious in view of Roberts .

Claim 14 depends from claim 8 and includes the same limitation as claim 7. The applicant submits that claim 14 is not obvious in view of Roberts for the same reasons discussed in claims 7 and 8.

Claim 15 depends from claim 8 and includes the same limitations as claim 6. The applicant submits that claim 16 is not obvious in view of Roberts for the same reasons discussed in claims 6 and 8.

Claim 16 depends from claim 8. The applicant submits that, for the same reasons discussed in claim 8, claim 16 is not obvious in view of Roberts.

Claim 17 includes the limitations that the local assistant program includes a rules interpreter system that reads and writes local interaction data related to the selected information on the customer's computer system. Applicant respectfully disagrees with the Examiner's

statement that Roberts local interaction data is read or written onto the customer's computer. In particular, Roberts does not discuss the function of storing interaction data on the customer computer or describe a system with the capability for performing this function. In fact, a standard feature of applets is that they are not allowed to read or write files on the user's computer. Claim 17 depends from claim 8 and for the reasons discussed in claim 8 as well as the specific claim 17 arguments above, Claim 17 is therefore not obvious in view of Roberts.

Claim 18 includes the limitations that the local assistant program includes a rules interpreter system that transmits requests to the local administrative system for ruleset updates. As discussed in claim 1, there is a substantial difference between the plug-ins disclosed in Roberts and the claimed rules updates. For the reasons discussed in claim 1, the ruleset updates should not be interpreted as being equivalent to the plug ins disclosed by Roberts. Thus, that applicant submits that claim 18 is not obvious under 35 U.S.C. 103(a) in view of Roberts.

Claim 19 includes the limitation that the local assistant program includes a rules interpreter that transmits requests to update interaction data relating to the selected information and stored in the local assistant administrative system. Although Roberts discloses a customer applet that requests updates on shared data, this is substantially different than asking for a new applet with updated functionality. As discussed in claim 1, there is a substantial difference between applets and a rulesets. Roberts also does not disclose collecting user interaction data or storing this information in the local assistant administrative system. For these reasons, the applicant submits that claim 19 is not obvious under 35 U.S.C. 103(a) in view of Roberts.

Claims 20 and 21 include limitations directed to a "local reserved URL" which is data stored on the customer's computer as in a local host or local loopback device IP address

127.0.0.1. The applicant respectfully disagrees with the Examiners interpretation of this term as meaning an external web server. Although Roberts does disclose external web server URLs it does not disclose a local reserved URL stored on the customer's computer. For these reasons, the applicant submits that claims 20 and 21 are not obvious under 35 U.S.C. 103(a) in view of Roberts.

Claim 4 was rejected under 103(a) over U.S. Patent No. 6,295,551 to Roberts in view of U.S. Patent No. 6,240,459 to Roberts. Claim 4 depends from claim 1 and includes the limitation that the computer mediated customer interaction comprises playing music. This limitation is directed towards the observation of the customer's interaction of observing the playing of music and obtaining information related to the music, for example, song, performer, composer. In contrast, Roberts discloses observing the interaction of a user filling out forms or entering text. There is a substantial difference between observing user interaction by interpreting data input into text or clicking on a menu which is prompted and observing the selection of music that is played on a computer by the user.

Further, the applicant submits that there is no suggestion of combining the Roberts reference with U.S. Patent No. 6,240,459 in this context. The Roberts reference discloses observing data that is input as easily interpreted text or pure data through a graphical user interface. The computer user is inputting this information for the purpose of sharing the information with an observer. In contrast, a user playing music on a computer is for entertainment and is not normally an action that would be considered data input for the purposes of sharing information. Because playing music is not performed through a data input type system, the applicant respectfully submits that there is no suggestion of combining the Roberts


reference with U.S. Patent No. 6,240,459. For these reasons and for the reasons discussed above in claim 1, the applicant submits that claim 4 is not obvious under 35 U.S.C. 103(a) in view of the Roberts reference together with U.S. Patent No. 6,240,459.

Applicants respectfully submit that the claims are patentable over the cited prior art and request that they be allowed. The Examiner is encouraged to call the undersigned collect at (415) 705-6377 if there are any outstanding issues or questions which can be resolved to allow this application to be passed to issue.

Respectfully submitted,
Dergosits & Noah, LLP

Dated: October 11, 2004

By:


Paul K. Tomita
Reg. No. 43,196
Tel.: (415) 705-6377